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Docket No. MCP-291

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : KULKARNI et al.
Serial No. : 10/001,733
Filed : November 2, 2001
Title : STABLE LACTASE TABLETS AND METHODS OF PRODUCTION

Art Unit : 1651
Examiner : Naff, David M.

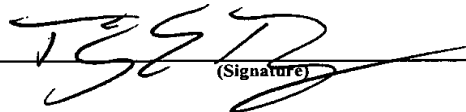
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Response to Restriction Requirement

Dear Sir:

The shortened statutory period for responding to the January 27, 2002 Office Action expires on February 27, 2003. Accordingly, this response is timely filed with a certificate of mailing that was executed on or before February 27, 2003. 37 CFR §§ 1.7.

The Examiner acknowledged receipt of the November 2, 2002 preliminary amendment. The undersigned wishes to thank the Examiner for correcting the claim numbering.

Restriction Requirement

On page 2, line 7, of the Office Action, the Examiner issued a 2-way restriction requirement pursuant to 35 USC §121. The restriction divided the claims into the following allegedly distinct inventions: Group I drawn to "a tablet and composition containing lactase" containing claims 7-36; Group II drawn to "process of making a tablet containing lactase by forming a preblend of lactase and microcrystalline cellulose and combining the preblend with other components" containing claims 37-49. (Paper No. 5 at 2.)

In issuing the restriction requirement, the Examiner asserted that "the product (tablet and composition) can be made by a materially different process." (Paper No. 5, at 2.) Moreover, the Examiner asserted that "[t]he tablet and composition can be made by combining components without forming a preblend of lactase and microcrystalline cellulose as required in the process." (Paper No. 5, at 2.) The Examiner concluded that "[b]ecause these inventions are distinct ... restriction for examination purposes as indicated is proper." (*Id.* at 3.)

In accordance with restriction practice, the subject matter of claims 7-36 (Group I) is hereby elected for prosecution without traverse.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 

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Dated: February 24, 2003